

## Senate Bill No. 502

### CHAPTER 511

An act to add Section 123366 to the Health and Safety Code, relating to public health.

[Approved by Governor October 6, 2011. Filed with  
Secretary of State October 6, 2011.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 502, Pavley. Hospital Infant Feeding Act.

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Public Health. Existing law requires all general acute care hospitals and special hospitals providing maternity care to make available a breastfeeding consultant, or alternatively, to provide information to the mother on where to receive breastfeeding information.

This bill would require all general acute care hospitals and special hospitals that have perinatal units, as defined, to have an infant-feeding policy and to clearly post that policy in the perinatal unit or on the hospital or health system Internet Web site. This bill would require that the infant-feeding policy be routinely communicated to perinatal unit staff and that the infant-feeding policy apply to all infants in a perinatal unit. This bill would become operative January 1, 2014.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) A growing body of evidence indicates that early infant-feeding practices can affect later growth and development, particularly with regard to obesity.

(b) The United States Surgeon General, and all the major health organizations, including the American Academy of Pediatrics and the World Health Organization, recommend exclusive breastfeeding for most babies, unless specifically contraindicated, for the first six months and continued breastfeeding with the addition of appropriate foods up to at least one year of age.

(c) The United States Healthy People 2020 goals for breastfeeding set new targets for decreased formula supplementation within the first two days of life and increased number of births in facilities that provide recommended lactation care.

(d) The federal Centers for Disease Control and Prevention monitor hospital practices at the state and national level with the Maternity Practices

in Infant Nutrition and Care (mPINC) survey. Whereas mPINC benchmarks suggest that 10 percent or fewer of breastfeeding infants should receive supplemental formula, fewer than 10 percent of California hospitals reach that goal.

(e) The Baby-Friendly Hospital Initiative (BFHI) is a global program sponsored by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) to encourage and recognize hospitals that offer an optimal level of care for infant feeding. Baby-Friendly USA is the national authority for the BFHI in the United States. To date, 34 hospitals in California have received Baby-Friendly USA accreditation.

(f) In April 2010, the Joint Commission, the accreditation organization for hospitals, began including exclusive breastfeeding rates as part of its perinatal care core evaluation indicators for maternity hospitals.

SEC. 2. Section 123366 is added to the Health and Safety Code, to read:

123366. (a) This section shall be known, and may be cited, as the Hospital Infant Feeding Act.

(b) For the purposes of this section, the following definitions shall apply:

(1) "Perinatal unit" means a maternity and newborn service of the hospital for the provision of care during pregnancy, labor, delivery, and postpartum and neonatal periods with appropriate staff, space, equipment, and supplies.

(2) "Baby-Friendly Hospital Initiative" means the program sponsored by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) that recognizes hospitals that offer an optimal level of care for infant feeding.

(3) "Model Hospital Policy Recommendations" means the most recently updated guidelines approved and published by the State Department of Public Health entitled, "Providing Breastfeeding Support: Model Hospital Policy Recommendations."

(c) All general acute care hospitals and special hospitals, as defined in subdivisions (a) and (f) of Section 1250, that have a perinatal unit shall have an infant-feeding policy. The infant-feeding policy shall promote breastfeeding, utilizing guidance provided by the Baby-Friendly Hospital Initiative or the State Department of Public Health Model Hospital Policy Recommendations. The infant-feeding policy may include guidance on formula supplementation or bottlefeeding, if preferred by the mother or when exclusive breastfeeding is contraindicated for the mother or infant.

(d) The infant-feeding policy shall be routinely communicated to perinatal unit staff, beginning with hospital orientation, and shall be clearly posted in the perinatal unit or on the hospital or health system Internet Web site.

(e) The infant-feeding policy shall apply to all infants in a perinatal unit.

(f) This section shall become operative January 1, 2014.